

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO. 5:15-cr-00223
	*	
	*	18 U.S.C. § 2241(c)
	*	Aggravated Sexual Abuse of a Minor
	*	
VERSUS	*	18 U.S.C. § 2242(1)
	*	Sexual Abuse
	*	
	*	DISTRICT JUDGE FOOTE
SHAWN D. DRIGGERS	*	MAGISTRATE JUDGE HORNSBY

**GOVERNMENT'S NOTICE PURSUANT TO RULE 16 (a)(1)(G):
EXPERT WITNESS AND INCORPORATED MEMORANDUM**

NOW INTO COURT, through the undersigned Assistant United States Attorney, comes the United States, which respectfully gives notice pursuant to Rule 16(a)(1)(G) regarding expert witnesses, as follows:

1.

The United States intends to call Dr. John C. Simoneaux to testify as an expert pursuant to Rule 702 of the Federal Rules of Evidence. His report summarizes his proposed testimony. A copy of his report dated June 20, 2016, to Assistant U.S. Attorney Luke Walker together with his Curriculum Vitae are linked as sealed documents as each contains personal and sensitive information. Copies of both sealed documents have been previously sent to the Defendant's attorney as part of discovery. Months ago, the Defense counsel was personally told of the Government's intent to have Dr. Simoneaux testify at the trial. The Government now files formal notice.

2.

The specialized knowledge and testimony of Dr. Simoneaux will assist the jury and the Court in understanding the facts and significance of the evidence in this case, per Rule 702 of the Federal Rules of Evidence. His testimony will be based on his review of the evidence in the case and his specialized knowledge, training and experience.

3.

The testimony of this witness is admissible pursuant to Federal Rules of Evidence, Rule 702 which states:

“Rule 702. Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.”

4.

The Court has sound discretion in admitting expert testimony under Fed. R. Evid. 702, and its decision as to the admissibility of expert testimony will be reversed only upon a clear showing of abuse of discretion and should not be overturned unless manifestly erroneous. *United States v. \$9,041,598.68*, 163 F.3d 238, 254 (5th Cir. 1998); *United States v. Garcia*, 86 F.3d 394, 400 (5th Cir. 1996); *United States v. Willey*, 57 F.3d 1374, 1389 (5th Cir. 1995).

WHEREFORE, the government prays that this notice be found acceptable, and further prays the Court allow Dr. John C. Simoneaux to testify as an expert, all pursuant to Rule 702 of the Federal Rules of Evidence, or other applicable law.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2016, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel for the Defendant by operation of the Court's electronic filing system and undersigned counsel will mail a copy with attachments to defense counsel.

s/ Robert W. Gillespie, Jr.
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Assistant U.S. Attorney